

**REMARKS**

Claims 1-17 stand previously canceled. Claims 18-33 and 36-46 presently stand rejected as of the final office action dated October 30, 2008. Claims 18-33 and 36-46 have been canceled without prejudice or disclaimer of the subject matter therein. Claims 47-85 are new. Claims 47, 56, 66 and 76 are independent claims. Moreover, claims 47-85 are currently pending in the application.

No new matter has been added. It is believed that the remarks presented herein below address each of the Examiner's rejections and objections of the claims.

**Claim Rejection – 35 U.S.C. § 101**

Claims 18-33, 42-44 and 46 have been rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. As claims 18-33, 42-44 and 46 have been canceled, the issue of their rejection is at present moot. However, new independent claim 56 speaks to a computer-readable medium, new independent claim 66 speaks to an audiovisual product, and new independent claim 76 speaks to a DVD product. Each of these claims and their associated dependent claims has been presented in an appropriate format so as to be proper subject matter under 35 U.S.C. §101.

The mere fact that the claims and detailed description involve mathematical manipulation is not a proper basis for a §101 rejection. Indeed, “[i]t is now commonplace that an application of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.” *Diehr*, 450 U.S. at 187, 209 USPQ at 8 (emphasis in original); accord *Flook*, 437 U.S. at 590, 198 USPQ at 197; *Benson*, 409 U.S. at 67, 175 USPQ at 675. Thus, “[w]hile a scientific truth, or the mathematical expression of it, is not a patentable invention, a novel and useful structure created with the aid of knowledge of scientific truth may be.” *Diehr*, 450 U.S. at 188, 209 USPQ at 8-9 (quoting *Mackay*, 306 U.S. at 94); see also *Corning v. Burden*, 56 U.S. (15 How.) 252, 268, 14 L.Ed. 683 (1854)(“It is for the discovery or invention of some practical method or means of producing a beneficial result or effect, that a patent is granted. . .”).

The recent *Comiskey* decision (*In re Comiskey*, Case 2006-1286 (Fed Cir. September 20, 2007)) emphasizes implementation on a computer or computing device is also patentable subject matter: “For example, we have found processes involving mathematical algorithms used in computer technology patentable because they claimed practical applications and were tied to specific machines.” *Comiskey*, Slip Opinion, pp. 19-20, citing *AT&T Corp. v. Excel Commc'ns, Inc.*, 172 F.3d 1352, 1358 (Fed. Cir. 1999) (holding patentable “a process that uses the Boolean principle in order to determine the value of the PIC indicator” and that “require[d] the use of

switches and computers”); *State Street Bank*, 149 F.3d at 1373 (“[W]e hold that the transformation of data . . . by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm.”); *Alappat*, 33 F.3d at 1544 (“This is not a disembodied mathematical concept which may be characterized as an ‘abstract idea,’ but rather a specific machine to produce a useful, concrete, and tangible result.”); *Arrhythmia Research Tech., Inc. v. Corazonix Corp.*, 958 F.2d 1053, 1058-59 (Fed. Cir. 1992) (holding patentable a method for analyzing electrocardiograph signals for the detection of a specific heart condition that used “electronic equipment programmed to perform mathematical computation”).

In light of these cases, and with respect to MPEP §2106.01, new independent claims 56, 66 and 76 have been carefully prepared to help clarify the patentable subject matter set forth in the present application with respect to a computer-readable medium (claim 56), an audiovisual product (claim 66) and a DVD product (claim 76). Indeed although computer code in and of itself might be considered merely functional descriptive material, as in these claims the code functional ability is clearly tied to a medium such that it becomes structurally and functionally interrelated, and/or in addition tied to a specific machine. Indeed claims 56, 66 and 76 are proper statutory subject matter under 35 U.S.C. §101.

#### **Claim Rejection – 35 U.S.C. § 102**

Claims 18-19 and 21-35 have been rejected under 35 U.S.C. §102(e) as being anticipated by US Patent Application 2005/0008348 to Collar et al., herein after “Collar.” Applicant respectfully disagrees with and traverses these rejections. As the Collar reference was presented as a §102(e) reference in both the First and Final office action, despite the substitution of the entire claim set in the response to the first Office Action, it would appear prudently beneficial to illustrate how and why the present invention is not anticipated by Collar.

With respect to Examiner’s §102 rejection, respectfully, to anticipate a claim, Collar must teach each and every element of the claim, and “**the identical invention must be shown in as complete detail as contained in the ... claim.**” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added).

Applicant respectfully submits that many differences exist between Collar and Applicant’s claimed invention such that Collar can not be said to anticipate Applicant’s invention.

A fundamental aspect of the present invention that has been apparently overlooked by the Examiner is the fact that the present application advantageously seeks to insure that random numbers as generated by a media player, such as a DVD player, are substantially random. This is achieved at least in part by the user interrupting a video sequence. That interruption then provides

a value that is used at least in part to provide a random number. As the point at which a user will act to trigger the interruption is substantially likely to vary from one play session to the other, the odds of the user interrupting the video sequence at the same point is exceedingly low. As the duration of each group-of-picture structure can also be made quite short, potentially as short as 0.4 seconds as prescribed by the DVD Video specifications, the odds of the user consistently selecting the same point for interrupting the video sequence are even further reduced.

If the machine generated number is indeed random, then the addition of the user triggered value certainly maintains the random nature of the value. If on the other hand the player device has a defective random number generator, then the user triggered value advantageously assists in overcoming the lack of randomness inherent to the flawed player device.

The new independent claims clearly recite specific elements that are not to be found in Collar. The claims are presented below and certain elements have been emphasized to help Examiner appreciate at least some of these distinct elements.

47. A method of generating a random number associated with a user initiated interruption of a video sequence, comprising:  
**sequentially presenting to a user a plurality of group-of-picture ("GOP") structures collectively providing a first video sequence, each GOP structure having a predetermined seed component and a navigation component;**  
*in response to a user initiated interruption during the presentation of a GOP structure, receiving the seed component and the navigation component from the interrupted GOP structure;*  
**providing a random number based at least in part on the seed component;** and  
linking or jumping to a second video sequence identified by the navigational component.
56. A computer-readable medium on which is stored a computer program for generating a random number associated with a user initiated interruption of a video sequence, the computer program comprising instructions which when executed by a computer system perform the steps of:  
**sequentially presenting to a user a plurality of group-of-picture ("GOP") structures collectively providing a first video sequence, each GOP structure having a predetermined seed component and a navigation component;**  
*in response to a user initiated interruption during the presentation of a GOP structure, receiving the seed component and the navigation component from the interrupted GOP structure;*  
**providing a random number based at least in part on the seed component;** and  
linking or jumping to a second video sequence identified by the navigational component.

66. An audiovisual product recorded on a recording medium, the audiovisual product structured and arranged to provide a random number associated with a user initiated interruption of a video sequence when read by a DVD reading system, the product comprising:
- a data structure recorded on the recording medium comprising data defining;
    - at least a first video sequence provided by a sequential plurality of group-of-picture ("GOP") structures, each GOP structure having a predetermined seed component and a navigation component;**
  - at least one second video sequence; and
  - executable code which when executed by a playback device will present the first video sequence, and *in response to a user initiated interruption during the presentation of a GOP retrieving the seed component and navigation component, the seed component used at least in part to provide a random number*, the navigation component used by a navigation engine to link or jump to a determined second video sequence.
76. A DVD product structured and arranged to provide a random number associated with a user initiated interruption of a video sequence when read by a DVD reading system, comprising:
- a data structure recorded to the DVD comprising data defining;
    - at least a first video sequence provided by a sequential plurality of group-of-picture ("GOP") structures each GOP structure associated with a respective command;**
  - at least one second video sequence; and
  - executable code which when executed by a DVD player will present the first video sequence, and *in response to a user initiated interruption during the presentation of a GOP structure, executing the respective command, the executed command providing a seed component and a navigation component, the seed component used at least in part to provide a random number*, the navigation component used by a navigation engine to link or jump to a determined second video sequence.

These claims are supported by the specification, and more specifically FIG. 1 and paragraphs 17-22. Whereas the present invention advantageously utilizes a human user interruption to enhance the random number generation, Collar teaches nothing of the sort.

Collar as its title suggests teaches a random selection program for an optical disc and related method. More specifically, "[t]he present invention provides methods for authoring an optical disc to include a random selection program or method in tandem with a DVD player, which invokes random video/audio selection results presentation on the associated display in the form of, for example, a die, dice, a ball ,balls or a spinner fur use in the playing of a game." ¶ 42.

Collar continues;

"During the course of normal playback of a multimedia presentation or game, the user may select a button, or start image, that triggers or initiates, the random selection. ... **The first module** or first subroutine, in the random selection program is the random selection module **12**, which **triggers or initiates the generation of a random integer number between the number 1 and the number S+1**, where S is

a finite integer number denoting the total number of possible selections. ... The next step is for a comparison module **20** to compare the random number stored in the general parameter register **18**, GPRM(x), with a predetermined integer N, which has an initial value N<sub>i</sub>, equal to the value S.” ¶¶ 43-48, emphasis added.

Collar is aware that in certain instances DVD players do not interpret the random function property.

**“These incompatible DVD players instantiate the random function to generate a random value between 0 and R-1, instead of the intended range of 1 to R. For example, if the programming code specifies RND GPRM(x) 6, the incompatible DVD player will generate a random value between 0 and 5, instead of the intended range of 1 to 6. In the context of using such a function to generate the value of a roll of a die (not shown), the die side corresponding to the value 6 would never be selected on the incompatible DVD player,** thus seriously impacting the user's experience. Therefore, a work around for this known fault is to set the upper bound to a value of R+1 and then declare the values from 1 to R to be the only valid values.” ¶48, emphasis added.

At least four fundamentally different points must be appreciated with respect to Collar.

- 1 – Collar does not teach a program a plurality of GOP structures collectively providing a first video sequence, each GOP having a predetermined seed component and a navigation component.
- 2 – The program chains **40** of Collar are not equivalent to the group-of-picture structures set forth in the present application.
- 3 – Collar teaches only how to adjust for non compliant rage selection of a random value.

With respect to point 1, in the present application, the first video sequence is divided up into a plurality of GOP structures, each having a predetermined seed component and a navigation component. The effect is simple, elegant, and quite different from Collar. In Collar, “during normal playback” the user triggers a command set (e.g., the pre-command) – roll the dice, display video of rolling dice and end with video sequence showing resulting number. There is A trigger and A command set (the pre-command) for that video sequence. This is clearly shown in FIG. 5 – the user triggers the random generator in the pre-command **50**, the result for a “1” links to Program #1 showing the roll of the dice and then die face “1” ... the result for a “6” links to Program #6 showing the roll of the dice and then die face “6.” In the present application rather than the whole video sequence triggering a command set (e.g., the Collar pre-command), the video sequence is subdivided into a plurality of elements, each of which when interrupted by the user provides a different command set. Moreover, whereas Collar teaches a one to one relationship between the

perceived video sequence and the command set, the present application effectively teaches a one to many relationship.

With respect to Point 2, the linking instructions cited by Examiner with respect to FIG. 9 indicate which program chain should be displayed.

In the case where the comparison module **20** yields a match between GPRM(12) **18** and N, execution proceeds to the program selector module **30**, which triggers, or initiates, the display of the program corresponding to the value of GPRM(12). For example, when the value of GPRM(12) is 6, the program selector module will trigger the display of program number 6 within the current program chain **46**, which contains audio/video of a rolling die and subsequent die face with the value of 6, as indicated in FIG. 5. ¶55

In the present application each GOP structure is part of the interruptible video sequence, and as such if the currently displaying GOP structure is interrupted that GOP structure provides the seed component and the navigation component. Collar does not teach the normal course of playback to be provided by a plurality of group-of-picture structures, *each providing a seed component and a navigation component*. Examiner's Final Office Action seems to imply that program chains set forth by Collar should be equated to Applicant's group-of-picture structures. Such a view is misplaced. As noted above with point 1, Collar is teaching a one to one relationship between the perceived video sequence and the triggered command set (pre-command) which then directs selection of the proper program sequence to display, e.g., a rolling die resulting in a 1, 2, 3, 4, 5 or 6. The video sequence of each program #1 - #6 displaying the rolling die and the end result is not interruptible and is not an equivalent structure to the GOP structures of the present application. In Collar, each program, e.g. Program #1 – Program #6, in addition to not being interruptible also fails to provide a seed component and a navigation component. As the pre-command is the only command set taught to be associated with the initial video sequence, which it not fully described, Collar clearly does not teach the playback to be provided by a plurality of interruptible GOP structures, each providing a seed component and a navigation component.

Point 3 rings with Collar's primary focus - whether or not the random number generator is compliant regarding it's range of selection – **not** whether it is actually a properly functioning random number generator. Collar clearly teaches a method of shifting the provided random number – if necessary – to insure the number generated is within the proper range. If a range correction is required, a value of "1" is added, but this is a consistent value and cannot be taken to be a system generated random value. Indeed if the correction value of 1 was random, there ability to properly correct the range for random number selection would be entirely undermined. This is not the same as Applicant's advantageous method to insure that from playback to playback, advantageous measures are in place to instigate different playbacks – e.g. randomness. Moreover, Collar does not teach a users interruption causing the selection of a predetermined seed component and

providing a random number based at least in part on the seed component. The present application advantageously enhances random number generation and even overcomes instances of a player having a defective random number generator.

Moreover, though other differences exist, Collar fails to teach either a system or a method for generating a random number associated with a user initiated interruption of a video sequence.

Collar clearly fails to teach each and every element of the claim as **“the identical invention must be shown in as complete detail as contained in the ... claim.”** *Id.* Though other differences exist as well, the lack of any element, e.g., the plurality of a group-of-picture structures, the seed component provided by each group-of-picture structure, the use of the seed component from interrupting the presentation of a group-of-picture structure to provide the random number, let alone all of them is such that Collar can not be said to anticipate Applicant's invention as set for in independent claims 47, 55, 64 and 73, or their associated dependent claims.

Withdrawal of the Collar reference and allowance of independent claims 47, 55, 64, 73, and their associated dependent claims is therefore requested.

#### **Claim Rejection – 35 U.S.C. §103**

Claims 18-19, 21-23 and 33 are rejected under 35 U.S.C. §103(a), as being unpatentable over US Patent Application 2004/022791 to Lamkin et al., hereinafter “Lamkin,” and US Patent 6,246,402 to Setogawa et al., hereinafter “Setogawa.”

Claim 20 is rejected under 35 U.S.C. §103(a), as being unpatentable over Lamkin and Setogawa as applied to claims 18- above, and further in view of US Patent 5,703,997 to Kitamura et al., hereinafter “Kitamura.”

Claims 3 and 20 are rejected under 35 U.S.C. §103(a), as being unpatentable over Collar as applied to claims 18- above, and further in view of Kitamura.

Applicant respectfully disagrees with and traverses these rejections. As the Collar, Lamkin and Kitamura references were presented as §103(a) reference in both the First and Final office action, despite the substitution of the entire claim set in the response to the first Office Action, it would appear prudently beneficial to illustrate how and why the present invention is not obvious in light of Collar, Lamkin, and Kitamura. The reference of Setogawa appears to be entirely new, but as set forth below this reference does not cure the fundamental deficiencies already present Collar, let alone Lamkin and Kitamura.

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and

the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP §2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the aforementioned *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;
- (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007).

In accordance with the above provisions, a review of the cited references is in order.

As has already been discussed and demonstrated by comparing Collar to the present application, Collar clearly fails to teach or suggest all of the basic elements set forth in independent claims 47, 55, 64 and 73. To summarize, Collar fails to teach or suggest at least the following elements:

- the video sequence provided by a plurality of a group-of-picture (GOP) structures;
- each GOP structure providing a predetermined seed component and a navigation component;



- using the seed component from the interrupting the presentation of a group-of-picture structure at least in part to provide a random number

Moreover, Collar is teaching a method of providing a random number and a way to compensate for DVD players that interpret the random function incorrectly, but this method is entirely different from that set forth in the present application.

Lamkin teaches a system comprising a plurality of devices connected via a network, the plurality of devices providing metadata to identify a variety of different data formats. Lamkin does not teach generating a random number. The paragraphs cited to by the Examiner, 106, 253, 354, 402 and 403 suggest that Lamkin can provide a virtual DVD with traditional elements of navigation. This is not a DVD or any other media having recorded thereto a video sequence provided by a plurality of group-of-picture (“GOP”) structures, each GOP structure having a predetermined seed component and a navigation component. Lamkin does not teach or suggest, in response to a user initiated interruption during the presentation of a GOP structure, receiving the seed component and the navigation component from the interrupted GOP structure. Lamkin does not teach using the seed component at least in part to provide a random number.

Kitamura as the title suggests presents a data recording medium having reproduction timing information, and a system for reproducing record data by using the reproduction timing information. Kitamura teaches nothing with respect to generating a random number, let alone a random number associated with a user initiated interruption of a video sequence. The term “random” occurs only once in Kitamura, and then only in the “Description of the Related Art” discussing how video tape does not permit complicated random access to the recorded data. Col 1, lines 40-43. As noted by Examiner, Kitamura does note the use of a group-of-picture structures. But closer inspection is important. Kitamura does not teach or suggest a video sequence provided by a plurality of group-of-picture (“GOP”) structures, each GOP structure having a predetermined seed component and a navigation component. Kitamura does not teach or suggest, in response to a user initiated interruption during the presentation of a GOP structure, receiving the seed component and the navigation component from the interrupted GOP structure. Kitamura does not teach using the seed component at least in part to provide a random number. More specifically Kitamura appears to teach a system and method for sequencing caption information with predetermined timing synchronized to the audio video being presented. As the sequencing is time dependent, random jumping and or linking would seem highly contradictory to the intent of Kitamura.

Setogawa teaches a reproduction control data generating apparatus and method. Like Lamkin and Kitamura, Setogawa teaches nothing regarding generating a random number.

Setogawa does appear to teach using navigation entries to jump or move between data locations. Just the same, Setogawa does not teach or suggest a video sequence provided by a plurality of group-of-picture ("GOP") structures, each GOP structure having a predetermined seed component and a navigation component. Setogawa does not teach or suggest, in response to a user initiated interruption during the presentation of a GOP structure, receiving the seed component and the navigation component from the interrupted GOP structure. Setogawa does not teach using the seed component at least in part to provide a random number. Moreover, Setogawa presents a reproduction control data generating apparatus for generating control data (navigation commands) used for the control of the processing for reproduction of a moving picture recorded on a DVD and video data of a still picture such as a menu together with the moving picture.

In light of the above it is respectfully submitted that resolving the *Graham* factual inquiries clearly indicate substantial differences between the prior art references and the present invention as set forth by Applicant.

Moreover, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s). Respectfully, the October 30, 2008 Final Office Action has failed to meet this burden.

The guidelines under KSR echo this point, and evidence how and why Examiner's view of obviousness from the combination of references is unfounded.

For a combination of references to be proper there must be:

***1 - a finding that the prior art included each element claimed with the only difference between the claimed invention and the prior art being the lack of actual combination.***

This is not done – The present claims clearly set forth a group-of-picture structures ("GOP") collectively providing a first video sequence, each GOP structure having a predetermined seed component and a navigation component. The references of Collar, Lamkin, Setogawa and Kitamura whether taken collectively or individually fail to teach GOP structures having a predetermined seed component and a navigation component. The present claims also set forth, and the references fail to teach or suggest, in response to a user initiated interruption during the presentation of a GOP structure, receiving the seed component and the navigation component from the interrupted GOP structure. Further still, the present claims also set forth, and the references fail to teach or suggest, using the seed component at least in part to provide a random number.

**2 – a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely would have performed the same function as it did separately.**

This is not so – Collar, Lamkin, Setogawa and Kitamura fail to provide all of the elements as presented by Applicant. Spontaneous acquisition of missing elements is certainly not disclosed, and known methods as applied to the Collar, Lamkin, Setogawa and Kitamura disclosed elements will not provide them.

**3 – a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable.**

This is not so – The Examiner may not have previously realized the existence and importance of the missing elements, but they are relevant to the present application and missing in the provided references. The nature of the teachings of the prior art references also suggest that they are significantly different and incongruous with respect to each other, and even if combined would not spontaneously provide the missing elements and result in the present invention as set forth in the present claims.

**4 – any additional findings.**

Respectfully, the Examiner has apparently mischaracterized Collar, Lamkin, Setogawa and Kitamura and the associated differences with the present invention. There are no additional references or findings presented which would account for and/or resolve the fundamental differences.

Respectfully, "***If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the reference are not sufficient to render the claims prima facie obvious.***" *In re Ratti* 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (comment added). Removing the Interactive DVD Browser Engine and Interface Object Database would indeed change the entire principle of operation so carefully taught by Dinallo.

Without some reason in the references to combine the cited prior art teachings, with some rational underpinnings for such a reason, the Examiner's conclusory statements in support of the alleged combination fail to establish a prima facie case for obviousness. See, *KSR International Co. v. Teleflex Inc.*, No. 04-1350, 550 U.S. \_\_\_\_ (2007) (obviousness determination requires looking at "whether there was an apparent reason to combine the known elements in the fashion claimed...", citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some

articulated reasoning with some rational underpinning to support the legal conclusion of obviousness," *KSR* at 14).

As the *Graham* factual inquiry is not properly resolved, application of any of the rationales (A)-(G) as set forth in the guidelines is futile for Collar, Lamkin, Setogawa and Kitamura fail to provide all of the claim elements as set forth in claims 47, 55, 64 and 73, let alone these claims with their respective dependent claims.

More specifically, because the Examiner has failed to ascertain the actual differences between Collar, Lamkin, Setogawa and Kitamura and the presently described and claimed invention, Examiner's conclusion that Collar, Lamkin, Setogawa and Kitamura make obvious all of the features as recited in these claims is in error.

Respectfully, withdrawal of the rejection and allowance of claims 47-85 is requested.

### **CONCLUSION**

For the reasons given above, and after careful review of all the cited references, Applicant respectfully submits that the cited reference can in no way be taken to result in, teach or suggest Applicant's claimed invention. Applicant believes that the present invention is in a condition for allowance. Favorable reconsideration and a Notice of Allowance for claims 47-81 is most respectfully requested. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant believes that no fees are due beyond the RCE Filing Fee of \$405.00 (Small Entity) and \$555.00 (Small Entity) for the 3<sup>rd</sup> Month Petition for Extension of Time – a total of \$960.00.

Respectfully submitted,

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